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FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Oct 22, 2019**

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT  
FOR THE EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

MONICA PESINA,

Defendant.

Case No.: 4:19-mj-07116-MKD

Motion To Seal the Criminal  
Complaint, Affidavit, and its  
Attachments and the Motion and  
Order to Seal

Plaintiff, United States of America, by and William D. Hyslop, United States Attorney and Stephanie Van Marter, Assistant United States Attorney for the Eastern District of Washington, moves the Court pursuant to Federal Criminal Procedure Rule 49.1(d), for an Order sealing the Complaint and Affidavit to the Complaint on the grounds that disclosure at this time may jeopardize the on-going investigation by FBI. Premature disclosure of the specific details of this ongoing investigation (as reflected, for example, in the affidavit in support of the search warrant) would jeopardize this ongoing criminal investigation, threatening the ability of the United States to obtain all relevant evidence and lead to the destruction of evidence.

Pursuant to 18 U.S.C. Sections 3103a and 2705(a)(2)(E), the United States requests that this affidavit as well as accompanying documents remain sealed, Motion To Seal the Criminal Complaint, Affidavit, and its Attachments and the Motion and Order to Seal - 1

1 because disclosure at this time may seriously jeopardize an investigation. This  
2 court has the inherent power to seal affidavits in support of search warrants to  
3 protect an ongoing investigation, pursuant to Local Rule 8 (m) of the Local  
4 Criminal Rules for the United States District Court for the Eastern District of  
5 Washington. Local Magistrate Rule 8 specifies other duties of full-time Magistrate  
6 Judges and states that full time Magistrate Judges in this district shall “[h]ave  
7 authority to order the sealing and unsealing of documents by the Clerk of the  
8 Court.” *See also State of Arizona v. Maypenny*, 672 F.2d 761, 765 (9th Cir.);  
9 *Matter of Sealed Affidavit(s) to Search Warrants*, 600 F.2d 1256 (9th Cir. 1979); *In*  
10 *re Braughton*, 520 F.2d 765, 766 (9th Cir. 1975).

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15 Dated: October 22, 2019.

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17 William D. Hyslop  
18 United States Attorney

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20 Stephanie Van Marter  
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